

REMARKS

Claims 16-34 are all of the claims pending in the present application.

I. FORMAL MATTERS

Applicant filed an Information Disclosure Statement on November 5, 2002.

Applicant respectfully requests the Examiner to provide Applicant a copy of the PTO Form 1440 submitted in this Information Disclosure Statement filed on November 5, 2002 with each reference initialed by the Examiner.

Applicant submits herewith the machine translations for JP 06-195880 and JP 07-122040, which were submitted in the Information Disclosure Statement filed on March 8, 2001. These machine translations just became available to the undersigned.

Applicant notes with appreciation that the Final Office Action indicates that claims 18 and 28 would be allowable if rewritten in independent form.

Applicant notes with appreciation the Examiner's acknowledgement of the claim to priority and indication that the certified copies of the priority documents have been received.

Applicant notes with appreciation the Examiner's indication that the drawings filed on June 13, 2001.

II. PRIOR ART REJECTIONS

Claims 16, 17, 19-27 and 29-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Kokai 6-195880 (Kawai) in view of Japanese Kokai 7-122040 (Hara). This rejection is traversed.

This rejection and rationale is substantially similar to the rejection under 35 U.S.C. § 103(a) set forth in the previous office action dated March 9, 2004. Again, the Examiner asserts that Kawai teaches generating index information including positions of a leading frame and a tail frame. The Examiner admits that Kawai does not teach or suggests recording index information onto a recording medium, and attaching the index information to the multimedia file as claimed. The Examiner then asserts that Hara teaches to record index information onto a recording medium and to attach the index information to the multimedia file, and that it would have been obvious to modify Kawai to include the technical means of Hara for designating as index information positional information of moving images at predetermined intervals, and recording the same.

Applicant submits that the Examiner's assessment of Kawai is not correct. The present application teaches that using both a leading frame position and a tail frame position, a still picture and a moving picture can be used as a title image. As explained in the "Background Art" section of the present application on page 2, Kawai suggests that both a still picture and a moving picture cannot be used as a title image. Therefore,

Applicant submits that Kawai does not teach or suggest this feature of independent claims 16 and 22.

Further, the index information of the present invention includes a position of a reference frame for decoding a leading frame. The index information of Kawai and Hara do not include this information. The inclusion of the information of the position of the reference frame allows the setting of an image of interframe coded data referred to as a "P frame" as a title image of a still picture and a leading image of a title image of a motion picture. Kawai does not include such information, and cannot set the P frame for a title image of a still picture or a leading image of a title image of a motion picture and can only set an image of intraframe coded date referred to as an "I frame."

Applicant submits that Hara does not make up for these deficiencies of Kawai. Hara relates to a technique producing index screen information of image data recorded on videotape. The image data recorded on video tape has all frames being image data formed of intraframe coded data, and the references do not describe information corresponding to the position of the reference frame as described in the present invention.

Accordingly, since the combination of Kawai and Hara does not form the invention defined by claims 16 and 22, the rejection of claims 16 and 22 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

The Examiner does not address these arguments that were presented in the Response filed on June 9, 2004 that neither Kawai nor Hara teaches or suggests to use both a leading frame position and a tail frame position such that a still picture and a moving picture can be used as a title image, as recited in independent claims 16 and 22. Therefore, Applicant submits that the Examiner has failed to form a *prima facie* case of obviousness.

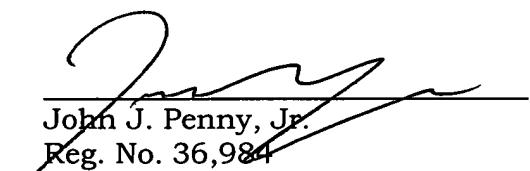
The Examiner's rationale for the rejection of independent claims 19, 29, 33 and 34 is identical to that of claims 16 and 22. The Examiner does not mention the features of these claims. Therefore, Applicant submits that the Examiner also has failed to establish a *prima facie* case of obviousness for independent claims 19, 29, 33 and 34. Thus, Applicant submits that the rejection of claims 19, 29, 33 and 34 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

Applicant submits that the remaining claims would not have been obvious over Kawai in view of Hara for the reasons presented above, with respect to claims 16, 19, 22, 29, 33, and 34.

Based on the foregoing, Applicant submits that the present application is in condition for allowance and allowance is respectfully solicited. If the Examiner believes that any of the outstanding issues could be resolved through a telephone interview, Examiner is kindly invited to contact the undersigned at the number listed below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,


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